

FILED BY CLERK

JUL 29 2011

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2011-0129-PR
	)	DEPARTMENT B
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
RICHARD JOE GONZALEZ,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20072098

Honorable Howard Fell, Judge Pro Tempore

REVIEW GRANTED; RELIEF DENIED

Barbara LaWall, Pima County Attorney  
By Jacob R. Lines

Tucson  
Attorneys for Respondent

Barton & Storts, P.C.  
By Brick P. Storts, III

Tucson  
Attorneys for Petitioner

V Á S Q U E Z, Presiding Judge.

¶1 Petitioner Richard Gonzalez seeks review of the trial court's order denying his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P., in which he alleged he had received ineffective assistance of counsel. "We will not disturb

a trial court's ruling on a petition for post-conviction relief absent a clear abuse of discretion.” *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Gonzalez has not sustained his burden of establishing such abuse here.

¶2 After a jury trial, Gonzalez was convicted of one count of continuous sexual abuse of a child and sentenced to a presumptive, twenty-year term of imprisonment. This court affirmed his conviction and sentence on appeal. *State v. Gonzalez*, No. 2 CA-CR 2008-0225 (memorandum decision filed Oct. 20, 2009). Gonzalez initiated post-conviction-relief proceedings, arguing in his petition that his trial counsel had been ineffective in “fail[ing] to contest evidence regarding [his] prior convictions for drug trafficking.” The trial court summarily denied relief, concluding counsel’s performance had not been deficient and Gonzalez had failed to establish prejudice. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984); *State v. Ysea*, 191 Ariz. 372, ¶ 15, 956 P.2d 499, 504 (1998).

¶3 On review, Gonzalez essentially repeats the arguments he made below and contends the trial court erred because the state’s use of his prior conviction had gone “far beyond” the possible “valid reasons . . . [to] bring out certain aspects of the drug conviction,” which the court had pointed out in its ruling. We disagree and conclude the court correctly resolved the claims Gonzalez raised in a thorough, well-reasoned minute entry, which we adopt. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issues raised “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be

served by this court rehashing the trial court's correct ruling in a written decision").

Therefore, although we grant the petition for review, we deny relief.

/s/ *Garye L. Vásquez*

\_\_\_\_\_  
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ *Philip G. Espinosa*

\_\_\_\_\_  
PHILIP G. ESPINOSA, Judge

/s/ *Peter J. Eckerstrom*

\_\_\_\_\_  
PETER J. ECKERSTROM, Judge